

SUMMARY STATEMENT

Sky Canyon Properties, LLC v. The Golf Club at Black Rock, LLC, Docket No. 42216

The Idaho Supreme Court reversed and remanded a ruling by the Kootenai County district court.

The Sky Canyon plaintiffs, landowners in the Black Rock development on Lake Coeur d'Alene, originally filed an action in the district court seeking a determination as to whether The Golf Club at Black Rock was bound by the Declaration of Covenants, Conditions, and Restrictions governing the Black Rock development. The district court held that the Golf Club was not bound and ordered Sky Canyon to pay costs and attorney's fees. Sky Canyon appealed, and the Supreme Court reversed, finding that The Golf Club was bound by the covenants. The Supreme Court also vacated the district court's award of costs and fees, awarded Sky Canyon its costs and fees in pursuing the appeal, and sent the case back to the district court for further proceedings.

Back in the district court, Sky Canyon submitted a request for its costs and fees incurred prior to the first appeal. The district court denied that request, finding that Sky Canyon had not properly preserved the issue and that the Supreme Court's ruling on the appeal precluded the court from awarding any costs or fees incurred prior to the appeal.

Sky Canyon appealed the district court's ruling. The Supreme Court reversed, holding that the district court was not precluded from awarding costs or fees prior to the appeal, and remanded for a determination of proper pre-appeal costs and fees.